

ADMINISTRATIVE COUNCIL ON TOXICS USE REDUCTION
Meeting Minutes
July 31, 2007

I. Call To Order and Introductions

Undersecretary Phil Griffiths called the meeting to order. Phil stated that he would like feedback from Council members on the DEP EMS/Resource Conservation reg package included in their mailing. Phil also stated that he would appreciate recommendations for members on the TURA Advisory Committee.

Council Members Present: Phil Griffiths for Secretary Bowles, Suzanne Condon for Commissioner Auerbach, Barbara Kwetz for Assistant Commissioner Colman, Laura Marlin for Secretary Bump.

Council Members Not Present: Executive Office of Public Safety, Economic Development.

Others Present: Rich Bizzozero (OTA), Kerry Bowie (EEA), Gary Nedelman (AlphaGary Corp.), William Judd (Irwin Engineers, Inc.), John Raschko (OTA), Heather Tenney (TURI), Mike Ellenbecker (TURI), Glenn Keith (Mass DEP), John Fischer (Mass DEP), David Wawer (MCTA), Rick Reibstein (OTA), Audrey Monaco (OTA)

II. Overview of TURA and the 2006 TURA Amendments

Rich Bizzozero - Reviewed the history of the Toxics Use Reduction Act and how the goals have been met.

Rich reported that the 2006 Amendments were signed into law on July 28, 2006, and the amendments build on the success of the program. The program can count its success by TURA filers having reduced toxics use by over 41% since the inception of the program and hazardous byproduct reduction by over 65%. The reduction in releases of these byproducts to the environment is even greater than the 65% byproduct reduction.

The highlights of the 2006 Amendments include exempting from reporting certain toxics in fuel oils; eliminating certain reporting metrics and streamlining reporting; providing additional flexibility to companies to choose to do a resource conservation plan; and providing opportunity to companies to use their EMS to satisfy TUR planning requirements.

Rich reported that 5 workgroups were formed last fall for the purpose of developing and implementing the most important aspects of the 2006 amendments. The workgroups are as follows:

1. Regulatory Reporting & Guidance Changes
2. Environmental Management Systems
3. Resource Conservation Planning
4. Outreach & Training
5. Chemical Listing & Delisting

Rich stated what the Administrative Council's roles and responsibilities are:

- Promote coordination of state programs to effectively promote toxics use reduction
- Perform technical fixes to our regulations to ensure smooth operation of the program
- Determine chemical listings and delistings as applicable
- Adjust fees accordingly (low hazard chemicals, late fees, high hazard chemicals)
- Sponsor or appoint ad hoc committees as needed
- Make policy recommendations to the Governor regarding TUR and the implementation of the Act
- Provide comments on proposed regulations pertaining to toxics, hazardous waste, industrial hygiene, worker safety, and public exposure to toxics

III. TURA Program Partner Updates

DEP – Glenn Keith

Glenn stated that Mass DEP has developed regulation changes for the 2006 TURA Amendments in 2 phases. The first regulation package was put together last fall concerning changes in TURA reporting and took effect prior to 7/1/07. The second set of regulations is out for public comment now. There is a public hearing in Boston on 8/15/07 and public hearings are scheduled in Worcester and Springfield during the month of August. The second set of regulations out for public comment is a more comprehensive package addressing alternatives to toxic use reduction planning and environmental management systems. These regulations should be in place by late fall or year end so companies will have them by the January 2008 employee notification requirement deadline.

DEP is working on finalizing the 2005 calendar year TURA data. They will have it done by the next Council meeting. DEP has redesigned their TURA website making it much more user friendly.

TURI – Mike Ellenbecker

Mike provided the Council an overview of TURI's activities. They are also working currently with the 5 workgroups stated earlier by Rich. A key activity they are engaged in deals with modifying the TURP training to incorporate the changes in TUR planning options. They will hire 2 new people to assist with this and other statutory requirements in the 2006 Amendments.

OTA – Rich Bizzozero

Rich stated that OTA had a Clean Technology/Clean Energy Conference last April that was very successful. OTA was also involved with the annual DEP/EPA TURA/TRI regional training workshops. OTA presented information to the regulated community on the new production unit level reporting metrics. OTA staff is working on several grant projects, including one with the John Adams Institute regarding ink jet technologies in textile printing. OTA also secured grant money from EPA (\$300,000) for work with Northeast Waste Management Officials' Association (NEWMOA) to develop software for tracking energy use and materials cost for companies. OTA is planning on having another Clean Technology/Clean Energy conference and a nanotechnology event this year that will include several of the agencies on the Administrative Council and other organizations.

Phil Griffiths –

Phil stated he is excited about bringing Energy and Environmental Affairs together, that it presents a great opportunity to work with all agencies and companies in Massachusetts to broaden the scope of technical assistance, environmental protection, and to build a strong business base in the Commonwealth.

IV. Resource Conservation Planning/Environmental Management System (EMS) Update

Glenn Keith – Described what is defined as an EMS in regards to the new proposed regulations that are likely to be in place for next year. The regs for TURA phase II are still out for comment. DEP's goal is to finalize the regulations by the end of the calendar year so facilities have six month lead time for completing their plans. DEP is interested in receiving comments from the Council on any of the proposed reg changes.

Mike Ellenbecker – Stated that TURI is planning on setting up full day and ½ day training classes for the new planning requirements.

V. Science Advisory Board

Mike Ellenbecker – Mike provided an overview of the Science Advisory Board, including background on the members and a summary of the Board's past activities. By the next Council meeting he will have the list of the first 10 chemicals that they are recommending be designated as Higher Hazard, and the first 10 to be designated as Lower Hazard. He summarized the policy analysis

TURI is conducting on these chemicals, which includes estimating the number of TURA filers for the Higher Hazard chemicals that will result from the threshold for these chemicals being lowered to 1,000 pounds per year. As an example, he mentioned TURI is estimating about a 100 new dry cleaners will be filing for perchloroethylene if the Council votes to adopt perc as a Higher Hazard chemical. Additional outreach will be needed to assist all of the new filers in all areas. Mike also reviewed the TURI recommendation concerning the retention of CERCLA chemicals on the TURA list, indicating that the Science Advisory Board was not able to complete their review by 8/1/07 due to resource and time constraints. TURI will be conducting a policy analysis on the chemicals the SAB has reviewed and recommended be retained on the list, and anticipates providing a recommendation on these chemicals to the Council at the next meeting. TURI will provide future recommendations to the Council re: the CERCLA chemicals as the scientific and policy review of them is completed. Mike distributed to the Council members a list of chemicals contained in their recommendation. The Administrative Council has until 8/1/08 to vote on the CERCLA chemical recommendations.

VI. Next Meeting

Phil Griffiths -Outlined the agenda for the next Council meeting:

- Establish an Advisory Committee with recommendations from Council members on who should be participating on the Advisory Committee
- Discuss and vote on the TURI recommendation on the first groups of 10 Higher and Lower Hazard chemicals
- Discuss comments on the Phase II DEP planning regulations.

Next meeting is scheduled for Wednesday, October 31, 2007 – 1:30pm – 3:30pm and will be located in Boston at the Saltonstall Building.

VII. Adjourn

There being no further business, Phil adjourned the meeting at 3:30pm.